

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

LAQUITA OLIVER, et al., on  
behalf of themselves and all others  
similarly situated,

Plaintiff,

v.

NAVY FEDERAL CREDIT UNION,

Defendants.

Civ. No. 23-cv-01731

**Hearing Waived**

**PLAINTIFFS' MOTION TO EXTEND DEADLINE  
TO FILE AMENDED COMPLAINT**

Plaintiffs Bob Otondi, Dennis Walker, Charles Gardner, Marie Pereda, Laquita Oliver, John Jackson, Carl Carr, Constantina Batchelor, and Christina Hill ("Plaintiffs"), by counsel, request that this Court extend the deadline to file Plaintiffs' Amended Complaint from June 13, 2024, to July 8, 2024. In support of their Motion, Plaintiffs state:

1. On May 30, 2024, the Court issued an Order granting in part and denying in part Defendant Navy Federal Credit Union's ("Navy Federal" or "Defendant") Motion to Dismiss. (ECF No. 92). The Order granted Plaintiffs leave to amend the complaint in line with the Order within 14 days of the Order, or by June 13, 2024. *Id.*

2. The Order also struck Plaintiffs' class allegations and provided that "the nine plaintiffs will be permitted to proceed individually in this civil action under Case No. 1:23-cv-1731 (LMB/WEF), or they may elect to proceed individually in separate civil actions." (ECF No. 92 at 23).

3. Plaintiffs' Counsel are discussing with each of the nine Plaintiffs whether they wish to pursue the action collectively in this action or individually in separate civil actions (or a

combination of the two, with some Plaintiffs proceeding jointly and others individually). Plaintiffs have not yet completed these discussions with the nine Plaintiffs.

4. In addition, several of Plaintiffs' counsel are currently traveling and will be out of the country for the next one to two weeks.

5. As a result, on June 5, 2024, Plaintiffs' Counsel met and conferred with counsel for Navy Federal via telephone and email seeking Defendant's consent to a 25-day extension of the deadline to file the amended complaint until July 8, 2024.

6. On June 5, 2024, counsel for Defendant declined to consent to Plaintiffs three-week extension. Instead, counsel for Navy Federal stated: "Defendant does not oppose a one-week extension on the time to file an amended complaint, until June 20, 2024, provided Defendant receives an additional week for the response to the amended complaint, making Defendant's response due on July 18, 2024. Defendant takes no position on Plaintiffs' request for a lengthier extension."

7. Plaintiffs believe there is good cause to support the requested three-week extension. A scheduling order has not yet been entered in this case, and the brief extension sought in this Motion will not impact any other case deadlines.

8. In addition, while Plaintiffs' counsel are working diligently to coordinate with each of the nine Plaintiffs to determine whether, in accordance with the Court's May 30<sup>th</sup> Order, each Plaintiff wishes to proceed jointly or individually, they have not completed those discussions and require more time to do so and then make the necessary changes to the one or more resulting amended complaints to comply with the Court's Order.

9. Finally, as noted, several of Plaintiffs' counsel are traveling out of the country, making communications with each of the nine Plaintiffs harder to coordinate.

10. This extension is not sought for purposes of delay or any other improper purpose and will not cause any undue delay or prejudice to any Party. A Proposed Order granting this Motion is attached.

**WHEREFORE:**

1. Plaintiffs respectfully request that the deadline for Plaintiffs to file one or more amended complaints in accordance with the Court's May 30, 2024 Order (ECF No. 92) be extended from June 13, 2024, to July 8, 2024.

2. Plaintiffs further request that Navy Federal's deadline to respond to each amended complaint filed on July 8, 2024, be extended until August 5, 2024

3. Plaintiff waives any hearing on this Motion to Extend Deadline to File Plaintiffs' Amended Complaint.

Dated: June 7, 2024

Respectfully submitted:

/s/ F. Peter Silva II<sup>1</sup>

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<sup>1</sup> Attorney Silva has not been appointed Interim Co-Lead Class Counsel for Plaintiffs and Proposed Class, but is Additional Counsel for Plaintiffs and the Proposed Class. His signature appears here as the filing user in compliance with Chapter 3 of the E-Filing Policies and Procedures Manual for the United States District Court for the Eastern District of Virginia.

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**Additional Counsel for Plaintiffs and the Proposed Class**

**CERTIFICATE OF SERVICE**

I hereby certify that on June 7, 2024 I caused the foregoing to be filed electronically using the Court's CM/ECF system, which automatically sent a notice of electronic filing to all counsel of record.

/s/ Peter Silva

Peter Silva (State Bar No. 80935)

*Counsel for Plaintiffs and the Putative Class*